

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 777**

H. P. 673

House of Representatives, February 10, 1981

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Kany of Waterville.

Cosponsors: Representative McGowan of Pittsfield, Representative Webster of Farmington.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Amend the Public Notice of Rulemaking Requirements of the Maine Administrative Procedures Act.**

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Be it enacted by the People of the State of Maine, as follows:

5 MRSA § 8053, sub-§ 3, ¶ D, as enacted by PL 1979, c. 425, § 5, is repealed and the following enacted in its place:

**D. Set forth either the express terms of the proposed rule or the substance of the proposed rule, indicating where a copy may be obtained, or, if no specific rule is being proposed, set forth a description of the subjects and issues which the rulemaking proceeding will involve.**

STATEMENT OF FACT

The purpose of this bill is to resolve an ambiguity in the provision of the Maine Administrative Procedures Act governing the contents of the public notice which an agency must give when conducting rulemaking. The existing statute is unclear whether an agency must propose a specific rule before initiating rulemaking or whether it may elect to have the benefit of whatever information the public may provide before formulating its rule. The bill, which is modeled on the Federal

Administrative Procedure Act, proposes to resolve this uncertainty by allowing the agency to conduct its hearing without having committed itself to any one specific proposal, as long as the public notice given fairly describes the subjects and issues that are intended to be addressed by the resulting rule.